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EXAMINER

THOMPSON, MICHAEL M

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/750,046	<b>Applicant(s)</b> GARG ET AL.	
	<b>Examiner</b> Michael M. Thompson	<b>Art Unit</b> 3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06-03-09</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: It is unclear as to what Applicant considers to be “source format” as claimed. The specification fails to recite any subject matter and/or what is encompassed by such subject matter.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, Applicant's use of the term “source format” is unclear and appears to lack support.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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**4. Claims 1-6, 8-13, and 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Chin (WO 01143031).**

5. **With respect to claim 1**, Chin teaches a method in a computer system for representing a class definition, the method comprising defining an opportunity class representing an opportunity (i.e. Page 7, last paragraph; stored in module 8), the opportunity class identifying a set of relationships of the opportunity with a plurality of entities related to the opportunity. Chin further teaches an integration server, (i.e. via page 7 describing the referral system component 4 run by computers 7a-7d.) with the data being received from a source application. (i.e. there are many references to the sponsor corresponding by e-mail, or another interpretation might be the referral system itself on pages 8-11 to include the source application for the referral system in the form of the sponsor login for entering of information on page 21, lines 6-11 for the proposition that the source application is the application that allows for logging in and entering the opportunity into the referral system.) Furthermore, ***as defined in Applicant's specification***, the steps of defining and transforming are considered inherent processes in the Chin prior art since, the entering of data representing an opportunity is considered the act of "defining" and the "transformation" is merely a conversion of data from an electronic form in the registers or memories into a stored, transmitted or displayed format. (This interpretation is further recited in the Response to Arguments below.) This type of transformation occurs in every instance in which a computer displays, transmits, or stores information from its registries or memories common to the function of all computer devices therefore the transformation, as described by Applicant

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in the specification, is inherently or implicitly accomplished through transmission of basic communication by computer. In keeping with this rationale, the data received from the source application is in a source format, the transforming transforms the data received from the source format into a common format, and the common format is a format recognized by the integration server. This rationale is further discussed in the Response to Arguments.

6. **With respect to claim 2**, Chin teaches the method of claim 1 wherein the plurality of entities related to the opportunity includes entities selected from the group consisting of related accounts, related contact parties, one or more related parent opportunities, related sales employees and consultants, activities associated with the opportunity, a related source organization, a related destination partner, and related revenue. In the least, the "sponsor type" on page 9 recites things such as activities associated with an opportunity, related source organization, designation partner or even the activities associated with revenue, such as the case with the reward system.

7. **With respect to claim 3**, Chin teaches the method of claim 1 wherein the opportunity class includes a custom data element for defining one or more custom data fields for the opportunity class. (i.e. Custom data and data fields are taught on page 7 or 9, allowing for storage in the project manager module.)

8. **With respect to claim 4**, Chin teaches the method of claim 3 wherein the one or more custom data fields of the opportunity class are specific to an application. (i.e. page 9 at least)

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9. **With respect to claim 5**, Chin teaches the method of claim 1 further comprising: instantiating the opportunity class; and initializing data elements of the instantiated opportunity class. It is clear that Chin is using these data elements with respect to the “opportunity class” so that they are used, defined, and executed in a properly functioning referral system.

10. **With respect to claim 6**, Chin teaches the method of claim 5 further comprising, transforming data received from a source application into a common format of the opportunity class; transforming the data from the common format into a target format of a target application; and sending the data in the target format to the target application. It is the examiners position that mapping data is accomplished when, for example, a web browser submits user provided data to a web browser. For example, when a user submits data through an HTTP connection or request, the data is mapped into a data structure on the server. In fact, this is perfect use of XML schema. Therefore, since Chin clearly teaches data structures and elements and further teaches compatible use over the Internet through different interfaces, this function is inherent in any Internet communication including that of Chin. Please refer to claim 1 in defining the “transforming” steps.

11. **With respect to claim 8**, Chin teaches a method for data transformation, the method comprising receiving opportunity data from a source application; and transforming the opportunity data into a common format provided by an opportunity class, wherein the opportunity class identifies a set of relationships of an opportunity with a plurality of entities related to the opportunity. Chin teaches the transformation

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and storage of the information such that the opportunities are stored and the matching providers are based on the relationship of the opportunity. For example, entities interested in a referral for home sales is matched based on similar "opportunity class" and relationship opportunities. It is the examiners position that this claim is merely describing a general matching of a referral. (i.e. the thrust of the Chin reference such as on Page 4.) Please refer to claim 1 when addressing the integration server and "transforming" steps.

12. **With respect to claim 9**, Chin teaches the method of claim 8 wherein the plurality of entities related to the opportunity includes entities selected from the group consisting of related accounts, related contact parties, one or more related parent opportunities, related sales employees and consultants, activities associated with the opportunity, a related source organization, a related destination partner, and related revenue. As per claim 9, this claim introduces no substantial limitation over that of claim 2 and is therefore rejected under a similar rational.

13. **With respect to claim 10**, Chin teaches the method of claim 8 wherein the opportunity class includes a custom data element for defining one or more custom data fields for the opportunity class. As per claim 10, this claim introduces no substantial limitation over that of claim 3 and is therefore rejected under a similar rational.

14. **With respect to claim 11**, Chin teaches a machine-readable medium having executable instructions to cause a machine to perform a method comprising, defining an opportunity class representing an opportunity, the opportunity class identifying a set of relationships of the opportunity with a plurality of entities related to the opportunity. As

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per claim 11, this claim introduces no substantial limitation over that of claim 1 and is therefore rejected under a similar rational.

15. **With respect to claim 12**, Chin teaches the machine-readable medium of claim 11 wherein the plurality of entities related to the opportunity includes entities selected from the group consisting of related accounts, related contact parties, one or more related parent opportunities, related sales employees and consultants, activities associated with the opportunity, a related source organization, a related destination partner, and related revenue. As per claim 12, this claim introduces no substantial limitation over that of claims 2 and 9 and is therefore rejected under a similar rational. i.e. The Chin reference, in the least, teaches the use of computers on pages 9 and 18.

16. **With respect to claim 13**, Chin teaches the machine-readable medium of claim 11 wherein the opportunity class includes a custom data element for defining one or more custom data fields for the opportunity class. As per claim 13, this claim introduces no substantial limitation over that of claim 3 or 10 and is therefore rejected under a similar rational.

17. **With respect to claim 15**, Chin teaches a machine-readable medium having executable instructions to cause a machine to perform a method comprising, receiving opportunity data from a source application; and transforming the opportunity data into a common format provided by an opportunity class, wherein the opportunity class represents an opportunity and identifies a set of relationships of the opportunity with a plurality of entities related to the opportunity. It is inherent that Chin's computer systems have executable instructions or software to perform the function. As per claim 15, this



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claim introduces no substantial limitation over that of claim 6 and/or 8 and is therefore rejected under a similar rational.

18. **With respect to claim 16**, Chin teaches the machine-readable medium of claim 15 wherein the plurality of entities related to the opportunity includes entities selected from the group consisting of related accounts, related contact parties, one or more related parent opportunities, related sales employees and consultants, activities associated with the opportunity, a related source organization, a related destination partner, and related revenue. As per claim 16, this claim introduces no substantial limitation over that of claims 2, 9, or 12 and is therefore rejected under a similar rational.

19. **With respect to claim 17**, Chin teaches the machine-readable medium of claim 15 wherein the opportunity class includes a custom data element for defining one or more custom data fields for the opportunity class. As per claim 17, this claim introduces no substantial limitation over that of claims 3, 10 or 13 and is therefore rejected under a similar rational.

20. **With respect to claim 18**, Chin teaches a system comprising: a memory; and at least on processor coupled to the memory, the processor executing a set of instructions which cause the processor to define an opportunity class representing an opportunity, the opportunity class identifying a set of relationships of the opportunity with a plurality of entities related to the opportunity. As per claim 15, this claim introduces no substantial limitation over that of claim 1 and/or 11 and is therefore rejected under a similar rational. It is inherent that Chin's computer systems have a processor with memory to perform the function. (i.e. The Chin reference, in the least, teaches the use

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of computers on pages 9 and 18.) Additional language not directed to structural components are considered intended use and it is the Examiner's position that the Chin device is capable of performing Applicant's intended use

21. **With respect to claim 19**, Chin teaches the system of claim 18 wherein the plurality of entities related to the opportunity includes entities selected from the group consisting of related accounts, related contact parties, one or more related parent opportunities, related sales employees and consultants, activities associated with the opportunity, a related source organization, a related destination partner, and related revenue. As per claim 19, this claim introduces no substantial limitation over that of claims 2, 9, 12 or 16 and is therefore rejected under a similar rational.

22. **With respect to claim 20**, Chin teaches a system comprising: a memory; and at least on processor coupled to the memory, the processor executing a set of instructions which cause the processor to receive opportunity data from a source application, and transform the opportunity data into a common format provided by an opportunity class, wherein the opportunity class represents an opportunity and identifies a set of relationships of the opportunity with a plurality of entities related to the opportunity. As per claim 20, this claim introduces no substantial limitation over that of claim 6, 8 and/or 15 and is therefore rejected under a similar rational.

23. **With respect to claim 21**, Chin teaches the system of claim 20 wherein the plurality of entities related to the opportunity includes entities selected from the group consisting of related accounts, related contact parties, one or more related parent opportunities, related sales employees and consultants, activities associated with the

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opportunity, a related source organization, a related destination partner, and related revenue. As per claim 21, this claim introduces no substantial limitation over that of claims 2, 9, 12, 16 or 19 and is therefore rejected under a similar rational.

24. **With respect to claim 22**, Chin teaches an apparatus for representing a class definition, the apparatus comprising: means for defining an opportunity class representing an opportunity of different types, the opportunity class identifying a set of relationships of the opportunity with a plurality of entities related to the opportunity. As per claim 22, this claim introduces no substantial limitation over that of claims 1, 8 and/or 11 and is therefore rejected under a similar rational. It is the Examiner's position that the structural limitations contained in the means language and defined by Applicant in the response is inherent in all computer systems.

25. **With respect to claim 23**, Chin teaches an apparatus for data transformation, the apparatus comprising: means for receiving opportunity data from a source application; and means for transforming the opportunity data into a common format provided by an opportunity class, wherein the opportunity class represents the opportunity and identifies a set of relationships of the opportunity with a plurality of entities related to the opportunity. As per claim 23, this claim introduces no substantial limitation over that of claim 6, 8, 15 and/or 20 and is therefore rejected under a similar rational. It is the Examiner's position that the structural limitations contained in the means language and defined by Applicant in the response is inherent in all computer systems.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**26. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin (WO 01143031).**

**27. With respect to claims 7 and 14,** Chin teaches the method of claim 1 wherein a definition of the opportunity class is represented as an XML schema. The examiner takes Official Notice that XML schema is well known in data structures and its primary purpose is to help information systems share structured data, particularly via the Internet and internet based communication. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to have utilized XML Schema to share structured data.

***Response to Arguments***

28. Applicant's arguments filed 06/03/2009 have been fully considered but they are not persuasive.

29. In addressing Applicants arguments, Applicants primary argument is directed to similar limitations recited in each independent claim. In particular, Applicant states:

Applicants respectfully submit that the transformation operation, as recited in Claim 1, is not inherent in the teachings of Chin at least because this transformation includes a format conversion. Claim 1 has been amended to provide that a transformation involves transforming the data received from a source format into a common format that is recognized by an integration server. By contrast, the cited sections of Chin fail to teach any such transformation. In fact, the cited sections of Chin provide that interactions between a sponsor, recipients, and a referral system are enabled via the Internet. See Chin, p. 5. The cited sections provide that interactions between the referral system and the computer systems used by sponsors and recipients are facilitated by email. See Chin, p. 7. However, Applicants respectfully submit that the use of email sent over the Internet does not require the transformation of data from one format into a common format in order to be recognized, as in Claim 1. In addition, the act of having a sponsor log in to the referral system also fails to teach any sort of data transformation. This is because a log in process and the verification of account information do not require the transformation of information from one format into a common format in order to be recognized. Therefore, the use of email or the act of logging into a referral system both fail to teach a transformation operation that transforms data received from a source format into a common format recognized by an integration server.

Furthermore, Applicants respectfully submit that the claimed transformation operation is also not inherent in the teachings of Chin. As disclosed above, the components of Chin's system interact with each other via email and the Internet. See Chin, p. 7. As such, Chin neither encounters nor recognizes any need for transforming data from one format into another. Moreover, transforming data from one format into a common format would not provide any added benefit to Chin's system, which already employs a single standard format to ensure compatibility. Therefore, Claim 1's transforming of data received from a source format into a common format recognized by an integration server is not inherent in any of Chin's teachings, nor would such a transformation find any particular use therein.

30. It is the Examiner's position that the process is inherent in Chin, inasmuch as Applicant has described the invention through Applicant's specification. While Chin does not explicitly use the term "transformation," the term as defined by Applicant as *merely "processing" or "computing" or "calculating" or "determining" or "displaying" or the like, refer to the action and processes of a computer system, or similar electronic computing device, that manipulates and transforms data represented as physical*

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*(electronic) quantities within the computer system's registers and memories into other data similarly represented as physical quantities within the computer system memories or registers or other such information storage, transmission or display devices.”* (i.e. as described in Applicant's specification at [0023-0024].) This description by Applicant explicitly defines what may be considered "transformation" as envisioned by Applicant.

In this vain, Examiner's previous response repeated herein states, "there are many references to the sponsor corresponding by e-mail, **or another interpretation might be the referral system itself on pages 8-11 to include the source application for the referral system in the form of the sponsor login for entering of information on page 21, lines 6-11** for the proposition that the source application is the application that allows for logging in and entering the opportunity into the referral system..." in response to the source application/format. This was intended to state that there are several avenues of interpreting what the source application (now: source format) is considered. Therefore, of the examples provided, email does inherently include a format change when transmitted over the internet through a server and to the display of the computer whether it is either a program (i.e. Outlook) or the combination of a program and physical computer screen display or the computer screen itself. In particular, the email component of Chin alone inherently includes "binary to text encoding" as a method of email transmission and transformation. A binary-to-text encoding is encoding of data in plain text. More precisely, it is an encoding of binary data in a sequence of ASCII-printable characters. These encodings are necessary for transmission of data when the channel or the protocol only allows ASCII-printable characters, such as e-mail. There

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are several encoding standards for binary-to-text encodings all of which require the interconversion and transformation of binary data to readable text and printable characters. This process is utilized by the email "internet standard" of SMTP/MIME email formats utilizing the binary-to-text encoding scheme. Informally stated, this is the interchangeable transformation of "0's and 1's" into and out of readable/displayed text.

Regardless, Applicant's expansive definition of transformation may fit the referral system itself, such as the "determining" or "calculating" or "computing" or "processing" done by the referral system itself. In short, any one of the referral system functions such as shown at pg. 23, lines 16-20 may also be considered a "transformation" or the taking of one set of knowledge (i.e. Applicant's source format) and determining or processing that information into referrals of any sort (i.e. the common format). As

Applicant states in the specification that *"processing logic transforms the opportunity data into a common format provided by the opportunity class (processing block 304).*

*The opportunity class defines relationships of an opportunity with various entities related to the opportunity."* (i.e. as recited in Applicant's specification at [0036].) At the most,

this statement merely points out that there is initial data (i.e. source format) that is transformed into a common format. Proper interpretation of these statements in

conjunction with Applicant's definition of "transformation" may simply include

"displaying" in order to satisfy the transformation of information as similarly indicated above.

Therefore, as recited previously, it is the Examiner's position that the defining is described in applicant's disclosure as the actual "defining" of the custom data elements

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that represent the opportunity as shown in Applicant's specification at [0023-0024]. For example, defining the parameters or the job such as the type of job, etc. is inherent if not explicitly recited in the teachings. It is the Examiner's position that this is inherent in the process of listing a job in the prior art since each category of the parameters of the job to include compensation will need to be defined for the prospective opportunity seeker. *Furthermore, the transforming is defined by the Examiner as being "...terms such as "processing" or "computing" or "calculating" or "determining" or "displaying" or the like, refer to the action and processes of a computer system, or similar electronic computing device, that manipulates and transforms data represented as physical (electronic) quantities within the computer system's registers and memories into other data similarly represented as physical quantities within the computer system memories or registers or other such information storage, transmission or display devices."* (i.e. as recited in Applicant's specification at [0015].) This defines "transformation" of the data from electronic quantities within the computer systems registers or memories into stored, transmission, or displayed information. Similarly it is the Examiner's position that data is inherently transformed from electronic quantities within registers or memories into stored, transmitted or displayed data. This characterization by the specification is considered the transformation from source format to common format. It is believed that the remaining amended independent claims are rejected under a similar rationale and are explained by arguments supra.



***Conclusion***

31. The Examiner has pointed out particular references contained in the prior art of record, within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael M. Thompson whose telephone number is (571) 270-3605. The examiner can normally be reached on Monday thru Friday 8am-5:30 except Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael M Thompson/  
Examiner, Art Unit 3629

/JOHN G. WEISS/  
Supervisory Patent Examiner, Art Unit 3629